

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 3, 2005
AMENDED MINUTES

C037845 THE PEOPLE v. LANGSTON (Not for Publication)
The sentence is vacated and the matter is remanded to the superior court for resentencing. In all other respects, the judgment is affirmed.

MORRISON, J.

We Concur: Sims, Acting P.J.

Davis, J.

C048121 THE PEOPLE v. MONTES
BY THE COURT:

Appellant's "emergency motion" is treated as a petition for rehearing from the court's dismissal order of December 1, 2004, and as such is denied without prejudice to appellant making a proper application for leave to file a belated notice of appeal.

SCOTLAND, P.J.

January 4, 2005

C044284 THE PEOPLE v. GUIDO (Certified for Partial Publication)
The judgment is affirmed. The abstract of judgment shall be amended... The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

HULL, J.

We Concur: Morrison, Acting P.J.

Butz, J.

C044576 THE PEOPLE v. BEAUDOIN et al. (Not for Publication)
The judgments are affirmed.

NICHOLSON, J.

We Concur: Sims, Acting P.J.

Robie, J.

C045815 THE PEOPLE v. LLOYD (Not for Publication)
The judgment is affirmed.

NICHOLSON, J.

We Concur: Sims, Acting P.J.

Robie, J.

C045882 THE PEOPLE v. RODRIGUEZ (Not for Publication)
The judgment is modified... As modified, the judgment is affirmed.

ROBIE, J.

We Concur: Blease, Acting P.J.

Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 4, 2005, continued

- C046377 THE PEOPLE v. GANZ (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Davis, Acting P.J.
Robie, J.
- C046527 FLEMENS v. LOONEY (Not for Publication)**
The superior court's orders awarding Flemens her attorney fees and denying Looney's section 473 motion are affirmed. Looney shall reimburse Flemens for her costs on appeal. (Cal. Rules of Court, rule 27(a).)
SCOTLAND, P.J.
We Concur: Hull, J.
Butz, J.
- C047109 In re FELIPE M.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. VIRGINIA R. (Not for Publication)**
The orders of the juvenile court are affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Butz, J.
- C048140 DONNA L. v. SUPERIOR COURT OF YOLO COUNTY and YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES (Not for Publication)**
The petition is denied.
RAYE, Acting P.J.
We Concur: Morrison, J.
Hull, J.
- C044372 THE PEOPLE v. WOMACK**
BY THE COURT:
Appellant's petition for rehearing is denied.
SIMS, Acting P.J.
- C045226 THE PEOPLE v. JENSEN**
BY THE COURT:
Appellant's petition for rehearing is denied.
SIMS, Acting P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

January 5, 2005

**STATE OF CALIFORNIA
Executive Department**

Know all who shall see these Presents:

That I, Arnold Schwarzenegger, Governor of the State of California, in the name and by the authority of the People of the State of California, do by these presents, appoint and commission

**Tani Gorre Cantil-Sakauye
Associate Justice , Court of Appeal
Third Appellate District**

for the term as prescribed by law.

In Witness Whereof I have hereunto set my hand and caused the Great Seal of the State to be affixed at Sacramento, this fifth day of January, two thousand-five.

Arnold Schwarzenegger
Governor of the State of California
By the Governor:
Kevin Shelley
Secretary of State

**IN THE MATTER OF THE CONFIRMATION OF THE
APPOINTMENT BY THE GOVERNOR
OF THE HONORABLE TANI GORRE CANTIL-SAKAUYE
TO THE OFFICE OF ASSOCIATE JUSTICE OF
THE COURT OF APPEAL
THIRD APPELLATE DISTRICT**

The Honorable Arnold Schwarzenegger, Governor of the State of California, having duly nominated the Honorable Tani Gorre Cantil-Sakauye to the office of Associate Justice of the Court of Appeal, Third Appellate District, to succeed Justice Daniel M. Kolkey, who resigned.

NOW, THEREFORE, the Commission on Judicial Appointments, as provided in Section 16(d), Article VI of the Constitution of the State of California, hereby in writing confirms such appointment.

Dated: January 5, 2005

RONALD M. GEORGE
Chief Justice of California
BILL LOCKYER
Attorney General of California
ARTHUR G. SCOTLAND
Presiding Justice, Court of Appeal
Third Appellate District

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 5, 2005, continued

OATH

for the Office of Associate Justice, Court of Appeal, Third Appellate District

I, Tani Gorre Cantil-Sakauye, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Signature: T. Cantil-Sakauye

Term Expires as prescribed by law.

Subscribed and sworn to before me

This 5th day of January

A.D. 2005

RONALD M. GEORGE

Chief Justice of California

C045049 In re XAVIER R.; THE PEOPLE v. XAVIER R.

(Not for Publication)

The jurisdictional finding and order of commitment are affirmed...

SCOTLAND, P.J.

We Concur: Hull, J.

Butz, J.

C048380 COUNTY OF SACRAMENTO et al. v. WILLIAMS

BY THE COURT:

Appellant's "Request for Rehearing" is denied.

SCOTLAND, P.J.

January 6, 2005

C044979 THE PEOPLE v. THOMAS

(Not for Publication)

The trial court is directed to modify the judgment... In all other respects, the judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Morrison, J.

Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 6, 2005, continued

- C045461 THE PEOPLE v. TAPIA (Not for Publication)**
The order directing defendant to pay \$400 in attorney fees pursuant to Penal Code section 987.8 is hereby stricken... As modified, the judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
 Nicholson, J.
- C046521 THE PEOPLE v. YARBER (Not for Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We Concur: Morrison, J.
 Hull, J.
- C046612 THE PEOPLE v. CUSHMAN (Not for Publication)**
The order recusing the Office of the District Attorney of Siskiyou County from prosecuting the criminal action against defendant is affirmed. Respondent's request for a special prosecutor is denied.
RAYE, J.
We Concur: Scotland, P.J.
 Nicholson, J.
- C046047 In re R.L.; THE PEOPLE v. R.L. (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
 Nicholson, J.
- C044669 SEVILLA et al. v. ESTATE OF LYNN MAXEY WILEY, etc.
BY THE COURT:**
Respondent's petition for rehearing is denied.
DAVIS, Acting P.J.

January 7, 2005

- C045019 THE PEOPLE v. MATTIS (Not for Publication)**
The judgment is affirmed.
Robie, J.
We Concur: Sims, Acting P.J.
 Nicholson, J.

**COURT OF APPEAL
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The Minutes

January 7, 2005, continued

- C045331 THE PEOPLE v. MCALPIN (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Nicholson, Acting P.J.
Morrison, J.
- C045600 FLEMING v. FLEMING (Not for Publication)**
The order filed October 29, 2003, denying mother's motion to vacate, is reversed, and the court is directed to issue a new and different order granting said motion. Mother shall receive her costs. (Cal. Rules of Court, rule 27(a).)
ROBIE, J.
We Concur: Sims, Acting P.J.
Nicholson, J.
- C046832 In re DOMINIC S., JR.; SACRAMENTO COUNTY DEPARTMENT HEALTH &
HUMAN SERVICES v. DOMINIC S., SR. (Not for Publication)**
The order terminating appellant's parental rights is reversed and the matter is remanded for further hearing...
BLEASE, Acting P.J.
We Concur: Davis, J.
Butz, J.